

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA

v.

DENNIS CARL FISHER, JR.,

Defendant.

)
)
) Case No. 5:02CR30093
)

) **ORDER**
)

) By: James P. Jones
) United States District Judge
)

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Dismiss (ECF No. 55) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 (ECF No. 46) is DENIED; and the § 2255 proceeding is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: April 1, 2013

/s/ James P. Jones
United States District Judge